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ELECTION OF UNITED STATES SENATORS

PAPER BY
ALBERT A. DOUB, ESQ.
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THE ELECTION OF UNITED STATES SENATORS.

By ALBERT A. DOUB, Esq.

[Read at the Fourteenth Annual Meeting of the Maryland State Bar Association, held at Old Point Comfort, Va., July 7, 8, 9, 1909.]

There has grown up in recent years a new school of statesmen who are dissatisfied with the Constitution of the United States, and especially with the method of electing United States Senators. For a century this Constitution has been a wonder of the world, and has received the encomium of statesmen and publicists of Europe and America. Among others, De Tocqueville in France and Gladstone in England have sounded its praise in language of enthusiasm that has been hardly surpassed by its admirers in America. It was the great English Commoner who described the American Constitution as "the most wonderful work ever struck off at a given time by the brain and purpose of man." That the members of the Convention of 1787 sprang from a race that for more than a hundred years had been cradled in liberty, and that they, above all men who had lived before, had a genius for framing constitutions, has often been repeated. But it is upon the Senate that the new champions of the people have been pouring the vials of their wrath. They insist that this House is not what it once was, and that the constitutional provision, requiring the State legislatures to select its members, is wrong in principle and unsatisfactory in practice, and that this duty should be assigned directly to the people.

Even the platform of a national party proposes this change as a reform that will open the gateway to other reforms.

Until recently we had all been taught to regard the Senate as the most august, deliberative assembly in the world, and an eminent foreign statesman, now the British ambassador in Washington, and a profound student of American as well as English politics, not long ago called the Senate "the masterpiece of the Constitution," and in comparing the two Houses Mr. Bryce further said:

It may be doubted whether the Senate has excelled the House in attachment to the public good, but it has certainly shown greater capacity for managing the public business, and has won the respect, if not the affections of the people, by its sustained intellectual power.

It may be of interest to refer briefly to the proceedings of the Great Convention, with special reference to its discussions relating to the election of Senators. The questions of the election of Senators and of the number to be accorded each State were closely intertwined, and the solution of the one involved in the end the solution of the other.

The most persistent and stubborn contest was waged during the settlement of these two questions, and more than once during the discussion the difficulty of reaching a compromise was so far-reaching that a failure of the convention was imminent. Various proposals were made and rejected before the present plan was adopted.

A resolution providing that the members of the first branch should be elected by the people of the several States was opposed by Mr. Sherman, Mr. Gerry, and Mr. Butler, but was supported by Mr. Mason, Mr. Wilson, and Mr. Madison, and upon final vote it was carried through the support of the States of Massachusetts, New York, Pennsylvania, Virginia, North Carolina, and Georgia, although the States of New Jersey and South Carolina voted against it, and the States of Connecticut and Delaware were divided. So there was strong opposition even to the present plan of electing the House of Representatives by the people.

Mr. Randolph first proposed that the members of the second branch should be elected by those of the First House from a proper number nominated by the individual legislatures. Mr. Charles Pinckney, in the beginning, proposed that the Senate should be chosen by the Lower House, and that the States be divided into three classes: New Hampshire, Massachusetts, Rhode Island, and Connecticut were to form one class, New York, New Jersey, Pennsylvania, and Delaware one class; and those from Maryland, Virginia, South Carolina, and Georgia a third class.

A resolution of the committee that the second branch ought to be chosen by the first branch out of the persons nominated by the State legislatures provoked an earnest and protracted discussion. Mr. Wilson opposed both the nomination by the State legislatures and the election by the first branch, because the second branch of the National Legislature ought to be independent of both, and thought that both branches ought to be chosen by the people, but he suggested the division of the people into districts. It was Mr. Dickinson, of Delaware, who moved that the members of the second branch ought to be chosen by the individual legislatures. This motion was seconded by Mr. Sherman, who observed that the States would thus become interested in supporting the National Government, and that harmony between the two governments would be maintained. Mr. Read observed that if the small States would be allowed one Senator, the number would be too great, as that would bring about the election of 80 Senators, upon the basis of population, and suggested that the Senate be appointed by the Chief Executive Magistrate out of a proper number of persons to be nominated by the individual legislatures, but this proposal was not supported at all. It was Mr. Madison who then stated that if the motion of Mr. Dickinson should prevail, it would be necessary to depart from the principle of proportional representation or admit into the Senate a very large number of members, and he contended that a departure from the plan of proportional representation was evidently unsafe, and that it was inexpedient to have a very large number. He compared the proposed Senators to the tribunes of Rome and stated that as their number was augmented their power was diminished and contended that the more the representatives of the people were increased in number the more they would partake of the infirmities of their constituents, and the more liable they would be to divisions among themselves.

So four modes of appointing the Senate were suggested: First, by the first branch of the National Legislature; second, by the National Executive; third, by the people; fourth, by the individual legislatures. Mr. Gerry stated that the first method would create dependency; that the second was a stride toward monarchy; that the third

would cause a conflict between the two great interests—the landed and commercial—and that the fourth, which he favored, would be most likely to provide some check in favor of the commercial interests against the landed. In the end Mr. Dickinson's motion declaring for the appointment of the Senate by the State legislatures was unanimously supported by the members of the convention. After the adoption of this resolution it became easy to reach a decision as to the number of Senators, and the larger and more populous States in the end surrendered their demand for proportional representation, and the present number was fixed upon.

The chief difficulty seems to have been to devise a plan of indirect election of Senators, who would respond to the public will and judgment, but only when the will and judgment of the people had been deliberately formed. This is a difficulty that has presented itself to the countries of Europe from the earliest times. The people of England have wanted to reform the hereditary House of Lords for more than a generation, in some way by which to strengthen it, and make it more useful in framing beneficent legislation without providing for the election of its members, as in the case of the House of Commons. In his *American Commonwealth* Mr. Bryce has said, after reviewing the plan by which the several countries of Europe give a distinct character to each house: "The American plan, which is older than any of those in use on the European Continent, is also better, because it is not only simple but natural, i. e., grounded on and consonant with the political conditions of America."

In 1788 Mr. Madison, in addressing the Virginia convention on the expediency of adopting the Constitution, said:

The Members of the National House of Representatives are to be chosen by the people at large in proportion to the members in the respective districts; when we come to the Senate, its Members are elected by the States in their equal and political capacity; but had the Government been completely consolidated, the Senate would have been chosen by the people in their individual capacity in the same manner as the Members of the House. Thus, it is of a complicated nature, and this complication, I trust, will be found to exclude the evils of absolute consolidation, as well as of a mere confederacy.

Mr. Hamilton, in the twenty-seventh chapter of the *Federalist*, says:

Various reasons have been suggested in the course of these papers to induce a probability that the General Government would be better administered than the particular governments, the principal of which reasons are that the extension of the spheres of election will present a greater option or latitude of choice to the people; that through the medium of the State legislatures, which are select bodies of men, and which are to appoint the Members of the National Senate, there is reason to expect that this branch will be generally composed with peculiar care and judgment; that these circumstances promise greater knowledge and more extensive information in the national councils, and that they will be less apt to be tainted by the spirit of faction and more out of reach of those occasional ill humors or temporary prejudices and propensities which in smaller societies frequently contaminate the public councils, begets injustice and oppression of a part of the community, and engender schemes which, though they gratify a momentary inclination or desire, terminate in general distress, dissatisfaction, and disgust.

In the beginning it was only given to the people directly to select their Representatives in the lower House, but the selection of the Executive and judiciary, as well as of the Senate, was deferred to select bodies or officers. It was not long, however, until the duties of the electoral college were encroached upon and the electors became a mere machine to register the choice of the people, expressed

through a mere party convention. Although this method of choosing Senators has provoked the commendation of foreign critics, and has been generally commended by students of government who realize the difficulty of selecting the legislative chamber by indirect election, it seems that the party caucus and the party political leaders, or many of them, have chosen this section of the Constitution for amendment. Notwithstanding the fundamental condition upon which the Constitution was adopted by the convention and the people, upon which the great States were willing to accord the smaller States equal representation and surrendered their claim to proportional representation, was the method fixed by the Constitution, by which a link between the States and Federal Government, the sovereign States and the sovereign nation, was provided. The framers of the Constitution believed, and rightly, too, that the Senators chosen would be representatives of the interests by which they were elected; that is, of the States as well as the people. It was believed then that the State legislatures would select bodies of men who would choose with peculiar care, and their choice would not be infected by the temporary prejudices and passions which control the populace on election day.

It is not an unjustified tribute to the personnel of the Senate to say that during the first century of its existence the judgment of the wise fathers of the Constitution was fully vindicated. If there has been any lack of confidence in the wisdom and character of the Senators during the present generation, it has been due to a lack of confidence in the State legislatures and to the demagogic spirit with which every public question seems now to be approached. It is hard to believe that there is less patriotism in this most enlightened day in the history of the Republic, and yet it is safe to say that the proportion of public men who fatten on public prejudice seems to have very materially increased. Hamilton, in his first paper in the *Federalist*, has well said:

A dangerous ambition more often lurks behind the specious mask for the rights of the people than under the forbidding appearance of zeal for the firmness and efficiency of government * * * and that of those men who have overturned the liberties of republics the greatest number have begun their career by paying an obsequious court to the people—commencing demagogues and ending tyrants.

It is only within recent years that many men have arisen to prominence and landed in conspicuous position merely by trading on popular prejudice and by exploiting doctrines more seductive and popular than wise and beneficent.

I venture to submit that the legalizing of primaries, by which to select United States Senators, for whom the members of the legislatures are bound to vote, in spite of the obligations of their oath to support the Federal Constitution, is one of the gravest movements tending to the destruction of the vigor and usefulness of both the State legislatures and Federal Senate.

The opponent of the direct popular election of Senators is charged by the statesmen who have seen this new light with unfriendliness to the people and want of confidence in them. This is a very superficial view and worthy only of the man who delights more in popular applause for himself than in the welfare of his country. The wise man knows himself and human nature as well, and yet with all his wisdom he fears himself no less than the populace under the influence

of passion, prejudice, and temporary self-interest, and would safeguard himself and others from the danger of submitting all the officers of the Government to the hazards of popular elections. It was true in the days of Madison when he said—it is now and ever will be true: “Although every Athenian citizen might be a Socrates, every Athenian assembly would still be a mob.” It was not safe to trust to the inconsiderate action of the people such tremendous power in 1787, and it is not safe now.

It is because of the tendency of the popular assemblies to respond to gusts of passion and public clamor that it has been found necessary in all the States to provide constitutional limitations on their power. The old system may not cause the selection of the best men, and may not furnish the best results, and yet it is doubtful whether the public clamor against the Senate is not really a tribute to its usefulness, resisting popular but baneful measures, mistaken for panaceas. The members of the State legislatures realize their responsibilities to the people more than the average man, who is responsible only to himself. Besides, there is wisdom in a selected number of men who confer and discuss men and measures. The object of all government being to secure liberty and justice to its citizens, it was long ago discovered from the experience of mankind that checks and balances, restraints and safeguards were indispensable, for excess of power in the executive leads to despotism, and the submission of all questions to the direct action of the people is sure to breed ill-considered legislation and inconsistency of laws, and gradually to end in socialism.

Constitutions are framed in order to secure to the people rights and privileges and to establish certain margins or limits within which the legislative, executive, and judicial authorities must act, and thus to secure safely the balance of power between the three departments of Government, and, furthermore, securely to maintain self-government, and to avoid the tyranny of populous sections of States over those less populous. It has been the settled policy of all the States to create divisions or districts, and to elect the representatives of both houses of the legislature from these divisions, and not by voting en masse. It is true that down to 1842 congressional districts were unknown, and Congressmen were elected by people of the States voting all together, but the evils of that system were manifest, and districts were provided. Mass voting for the members of the State legislatures would be subversive of the principles that have prevailed for more than a century, and soon would destroy self-government and menace the liberty of the Republic, and yet that is the very suggestion of the men who want to improve in this way upon the wisdom of their ancestors, whose genius designed the fabric of the Constitution. The despotism of the majority is just as grievous as that of the single monarch, even if it be the majority of the people. To give the power of choosing Senators to the centers of population of the State, the great cities, which are constantly becoming both relatively and absolutely more populous, whose interests so often clash with those of other sections of the States, and thereby ignore the rights of the minority, is a new and radical departure from the Constitution, which may soon undermine its very existence.

The duties of the Senate are executive and judicial, as well as legislative, and in the discharge of its duties there is demanded the highest standard of independence. To popularize a chamber, charged

with the responsibility of confirming or rejecting nominations for places on the Federal bench would tend to drag the unsullied ermine of the hitherto unstained judiciary of the United States from its lofty pedestal of independence, and make it subservient to the influences assisting in its appointment. To be able to bring the judge independent enough to defy the clamor of the demagogue, the press, or the special interests of every class in the vindication of the law, as recognized by authority and sound reason before a popular tribunal upon impeachment, on an indictment framed by a popular grand jury, in the form of the House of Representatives, would at an early day make a popular judiciary perhaps, but not a safe, wise, and independent one fit to be entrusted with great questions of constitutional rights and public and private wrongs. When the new school of statesmen, who can not see the wisdom of the old Constitution that has guided the Republic so safely and well for more than a century, shall have delegated to the people en masse the selection of Senators from the different States, the end is not yet. The hunger for power grows on what it feeds. To have absorbed the right to elect the Executive and the two Houses of Congress will not satisfy. The next attack will be on the judiciary, and already the mutterings of discontent that precede the coming demand, are heard. The same influences which demand the direct election of Senators are now expressing dissatisfaction with the decisions of the Federal judges, and it will not be long until a Moses, in righteous indignation that the judges have stood fast to ancient landmarks and have refused to yield to a passing political passion, will rise perhaps out of the west, and demand that the people by some sort of referendum shall pass upon the nomination or confirmation of judges.

As judge of the qualification of its own members, the Senate will be required, in close elections, to investigate the methods and probable frauds that may occur among all States, in some of which, millions of votes will be cast and countless contested ballots will have to be examined. In the House of Representatives, there have been already about 400 contested cases, most of which have been decided on partisan considerations, just as in the British House of Commons, such cases were decided with so much bias and reference to partisan advantage that jurisdiction had to be transferred to the judges. When the Senate has this new duty to perform, and feeling shall run high in the various States over such contests, it is not unreasonable to anticipate that the confidence in its honor and integrity shall be lessened or entirely lost.

It might be well to inquire whether there is any sound reason for this demand for a revolution of the Senate. Have the legislatures failed to select the best men obtainable—representative citizens of conspicuous merit in character, experience, and ability, who respond to the calm, deliberate will of the people? Are the people likely to choose a different and better class of men for the Upper House? The Senators to-day, as they have always been, are the most conspicuous citizens of the several States. At least one-fourth of them have been promoted from the House of Representatives; many of them have been governors of States, members of the State or Federal judiciary, those most honored by the States of the Commonwealth from which they are accredited, distinguished lawyers or most successful business men, or they have arisen to this eminence by reason of some peculiar

genius for politics or public affairs. If there be no great statesmen in the Senate, it is because America is now barren of statesmanship, for they are, in general, the best their States can furnish, and the fault is in the material which the States have produced; and not in the manner of their selection.

In the Sixty-first Congress, 23 of the Senators have been governors of States, and of the remainder, 30 have been promoted from the House of Representatives. Among the others, at least a dozen of them before they came to the Senate, were the leaders of the bar in their respective States. One had twice declined the nomination of governor by his party, and another had been United States district attorney, Secretary of War, Secretary of State, and leader of the American bar. Many had had long experience as members of the legislatures of their respective States, and some in the capacity of presiding officers.

The need of the hour seems to be improvement in the personnel of the legislatures. This can not be done by robbing them of the only power they exercise in the National Government, for the capacity of the membership of the legislature is sure to diminish with the lessening of its responsibilities. The people who select the State legislatures will be the same people, under the new régime, who will select the United States Senators, and it is only reasonable to suppose that the frailties of the Senators to be chosen by the people will be of the same sort as the members of the legislatures whom they select. The State legislatures are what the people make them. If they fail it is because the people fail in their duty, and the same measure of negligence or incapacity will be shown in their choice of Senators.

We trust the legislative bodies of the States to make the laws, upon which rests the safety of persons and property, the security of a home and the family relation, questions of legislation, taxation, and crime, and all that most closely affects the relations of private life, and yet, it is contended by these apostles of a new constitution that the sovereign representatives of the people are not to be trusted to choose the Senators of the United States, and that this power should be delegated to a convention or primary, to men upon whom no oath is imposed—to a mere majority or a mere plurality of the people or of a party.

Perhaps the outcry against our upper House of Congress has arisen more because a few of its Members happen to be possessors of great wealth, and in one or two prominent instances elections have been promoted by corruption, than from any other cause. It is only a platitude to say that the mere fact that a citizen has acquired large possessions should no more militate against his election to places of power and authority than the fact of his comparative poverty for the one condition may be due to frugality, enterprise, and business sagacity, while the other may be the consequence of extravagance, waste, and incapacity. The cases of the election of Senators in which money has been shown to have been corruptly used are rare, but the people are prone to accept statements, based on suspicion, as having the force of fact and truth. Where there has been one case of corrupt election by the State legislatures, it is safe to say there will be numerous cases under the new system of election by the people, in which the whole electorate of a State will be debauched.

The members of the general assembly vote publicly,⁷ and are responsible to the people and to the press, who are ever vigilant to discover lack of integrity in their representatives, while the votes of citizens at the primary or in convention are secret and unrecorded, and the individual voter is more easily accessible to the degrading influences of corruption. If our legislatures have to any degree debased themselves by awarding senatorships under the influence of bribery, they must be equally guilty of promoting legislation affecting the great interests of wealthy corporations and individuals from similar dishonest motives, and the same arguments that can be offered against the constitutional method of selecting members of the upper House of Congress can be made with equal or greater force against the maintenance of our general assemblies as institutions for the passage of State laws, and in favor of referring all important questions of legislation directly to the people.

So the argument, if it be a good one, is an argument against representative government, which can as well be made by the opponent of democracy in favor of an aristocracy or despotism. Indeed, if there has been any change in the legislatures, in so far as integrity is concerned, it is safe to assert that the change is for the better, and I submit that if you will only recall the powerful lobbies once maintained at every State capital, and the corruption as it prevailed a quarter of a century ago in the cities of Baltimore, Philadelphia, and New York, and the influence exercised through those cities and their bosses over the legislatures of the States of which they are each the metropolis, you will be convinced that there is less danger now than ever from the corruption of the legislatures. Indeed, the argument based on the opulence of Senators, and the improper use of money to secure election is the most illogical of all. It is not sustained by facts, and if it were, we might as well despair of representative government.

Judged by the experience of over a century, and not by the errors of a single day, year, or decade, as all institutions should be tested, it is safe to say that the Senate has not only not failed to meet the expectations of its creators, but has more than justified their fondest hopes and dreams. Even Hamilton feared that it might not be able to maintain its authority,⁸ for before the final adoption of the Constitution, he wrote:

Against the forces of immediate representatives of the people, nothing will be able to maintain, even the constitutional authority of the Senate but such a display of enlightened policy and attachment of the public good, as will divide with the House of Representatives the affections and support of the entire body of the people themselves.

The Senate has been the bulwark of protection against immediate, hasty, and inconsiderate legislation demanded by the people, and conceded from time to time by the House, but it has always yielded to the sober, patient, wise, and deliberate judgment, and the second thought of the electors.

When we speak of the great American in public life, we rarely mention the governors of States, and seldom name the Members of the House, who were elected directly by the people, but we point with pride to the members of the Senate—to Webster, Clay, Calhoun, Choate, Benton, Sumner, Pinckney, and Reverdy Johnson—and when

the passions of partisanship and the prejudices of the hour have faded into the serene calmness of judgment that time always brings, it will be felt, I verily believe, that the leaders of the Senate, during the present generation, have not been unworthy successors of the statesmen whom the passing years and reverence for the past have cast for us into a heroic mold.

One Western State, Oklahoma, has by its constitution undertaken to make of its general assembly a machine to register the choice of the people, expressed under a gust of passion and excitement on election day. One of the first results of this attempt to nullify the Federal Constitution in Oregon was the election of a Senator whose views of the great political questions that divide the parties conflict with the opinion of the great majority of the people of his State, as expressed on the same election day. So, the consequence is that the great majority of the people of this great State will be misrepresented in the Senate for six years to come. In the States infested with the nostrum, that the voice of the people suddenly expressed on election day is the voice of God, the legislatures have undertaken to shift the responsibilities from themselves in order to flatter and cajole their constituents, but in only one State have the people given an expression to their deliberate judgment on this far-reaching constitutional question. The results in Arkansas, Illinois, Missouri, Maryland, Wisconsin, and other States, which have provided a popular primary, by statute, have not been such as to give the slightest hope that this plan, rejected unanimously in 1787, will now work to better advantage either of the Senate or of the general public. It may furnish the opportunity for time-serving political adventurers to ride into power or enable a political machine more easily to hold its grip on the selections, but it is certain not to be helpful to the country.

In one Southern State the electors recently repudiated its most eminent citizen, who had made a distinguished record for ability and achievement in the Senate, and selected in his place a notorious demagogue; in another, a man, who for years had been the leader of his party in the House, only escaped defeat at the hands of a blatherskite by the margin of a few hundred votes. In a Northwestern State the people selected a Republican Senator whose chief claim to fame is his devotion to the vagaries of populism, and then chose as his associate, under the influence of bribery, a citizen who is distinguished only for his riches and the generosity with which he debauched the electorate.

Whether the change be made by a State constitution, or by a mere act of the legislature, I respectfully submit that until there be a change in the Constitution of the United States the members of the legislature who select the Senators, with reference alone to the choice of the primary or of the convention, and not from lofty considerations of fitness, capacity, and ability, fail fully to comply with their oath to support the Constitution of the United States, which is just as obligatory upon the members of the State legislatures as those of Congress. It is the sworn duties of the States, through their legislative assemblies, to appoint Senators, and it is equally their duty to appoint them in the manner ordained by the

Federal Constitution. The great Webster, in his reply to Calhoun in 1833, used this language:

All the members of all the State legislatures are as religiously bound to support the Constitution of the United States as they are to support their own constitutions. Nay, sir, they are as solemnly sworn to support it as we ourselves are, who are Members of Congress. * * * Let it then never be said, sir, that it is a matter of discretion whether they, the States, will continue the Government or break it up by refusing to appoint Senators. They have no discretion in the matter.

If there be one fundamental condition upon which the Constitution was adopted by the convention and ratified by the people, it was the provision for choosing Members of the Senate, which recognized the separate and independent existence of the States, and made the State governments essential to the organization of the Federal Government, and which caused the more populous States to surrender their claim to proportional representation. It was on account of this provision that one section was inserted in the Constitution which can not be amended, namely, "that no State without its consent shall be deprived of its equal suffrage in the Senate." If Senators are to represent the people directly and not the sovereign States, how long will New York and Pennsylvania, with their growing population of millions, be willing to exercise in the Senate no more power or influence than Nevada or Delaware with their thousands? Although this provision of the Constitution can not be changed under the organic law, yet the moral obligation of New York to submit to such an unfair representation in the Senate is gone, and the equality of the States can not, in fairness, be longer insisted upon.

The House of Representatives, which is now the popular assembly, has not vindicated the expectation of the framers of the Constitution, and the devotees of popular suffrage for all elections can not point to this body as the one that best responds to the enlightened, deliberate judgment of the electors. It is in the lower House that freedom of debate, the guardian of public liberty, no longer exists, and in which the right of amendment has been so abridged that it is practically cut off. The Speaker, through the committees which he appoints and controls, so guides and governs this body as no legislative assembly in the world is dominated, and it is not extravagant to say that it does not express, with satisfaction, the will of a free people. It is alone in the Senate, be it said to its honor, that freedom of discussion and of amendment without cloture exists, and it is for that reason chiefly that the bills passed hastily and without due consideration by the House have to be modified and perfected, after ample discussion and amendment by the Senate. Indeed, the very argument that is most often made against the Senate, namely, that it modifies the proposed legislation of the House and refuses to submit to hasty legislation, is the best argument in its favor. The Senate is a deliberative assembly, and the House is not, and chiefly because of the wisdom of the Constitutional Convention of 1787, which unanimously voted down the proposal of the popular Senate and unanimously determined upon the present plan.

The late Senator Hoar, in one of his great speeches, in which this question was discussed in the Senate, well said:

Our fathers were profound students of history. They found that no republic, although there had been many examples of other republics, ever lasted long without a Senate. The term Senate implied to their mind, as to ours, a body of men of mature age and of a tenure of office, which was removed from all temptation of being affected by temporary currents of public sentiment. The word Senate is a misnomer when applied to any legislative body of whom these things are not true.

This question provoked the most learned discussion in the first Constitutional Convention. Its members studied and deliberately considered the experience of history and the causes that helped other republics to fail or succeed. The greatest constitutional lawyers of this and the last century have recognized the wisdom of that clause of the fundamental law that is now attacked by this new school of patriots now zealous for extending the spheres of popular elections.

The Senators belonging to both parties, whose learning, patriotism and wisdom have never been questioned, have almost unanimously in their public utterances, warned the nation of the danger threatened by this radical revolution of the Senate, and I submit that the bar of the United States, whose voice is always heard and heeded, when it speaks in unison, should take a united stand in favor of the Constitution as it has so long and satisfactorily existed.



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